

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 VITALE & ASSOCIATES, LLC,

5 Plaintiff,

6 vs.

7 SUE LOWDEN, *et al.*,

8 Defendants.

2:12-cv-1400-JAD-VCF

ORDER

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10 Before the court is Nonparty Robert Beers' motion to strike (#66) Plaintiff Vitale & Associates'
11 response to Beers' motion for attorney's fees. Beers moves to strike Vitale & Associates' response
12 because it is untimely under Local Rule 7-2(b), which provides that responses must be filed fourteen
13 days after service of the motion.

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15 Beers filed his motion for attorney's fees on February 9, 2014. (*See* Doc. 51). Vitale &
16 Associates did not file a response until March 28, 2014. (*See* Doc. #63). This is untimely under Local
17 Rule 7-2(b). However, on April 3, 2014, at 11:15 a.m., the court granted Vitale & Associates' motion to
18 extend time to respond. (*See* Doc. #65); *see also* LR IA 2-1 (permitting the court to dispense with the
19 local rules by motion). Under this order, Vitale & Associates' response was due by March 28, 2014.
20 (*Id.*)

21 At 11:36, a.m., approximately twenty minutes later after the court granted Vitale & Associates'
22 motion to extend time, Beers filed the instant motion to strike (#66). Despite the close proximity in time
23 between the court's order and Beers' motion to strike, Beers' motion to strike must be denied because
24 the court dispensed with Local Rule 7-2(d)'s time requirements minutes before Beers' motion was filed.
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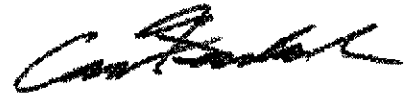
1 Additionally, Vitale & Associates' ultimately complied with the court's order because it filed a response
2 by March 28, 2014.

3 ACCORDINGLY, and for good cause shown,

4 IT IS ORDERED that Defendant Nonparty Robert Beers' motion to strike (#66) is DENIED.

5 IT IS SO ORDERED.

6 DATED this 2nd day of May, 2014.

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10 CAM FERENBACH
11 UNITED STATES MAGISTRATE JUDGE
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